

UNITED STATE BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**SECOND INTERIM FEE APPLICATION COVER SHEET FOR THE
PERIOD NOVEMBER 1, 2022 THROUGH JANUARY 31, 2023**

Debtor:	<u>Assuncao Bros., Inc.</u>	Applicant:	<u>Fox Rothschild LLP</u>
Case No.:	<u>22-16159</u>	Client:	<u>Assuncao Bros., Inc.</u>
Chapter:	<u>11 – Subchapter V</u>	Case Filed:	<u>August 3, 2022</u>

**SECTION 1
FEE SUMMARY**

Summary of Amounts Requested for the Period November 1, 2022, through January 31, 2023 (the “**Second Interim Period**”).

Total Fees	\$83,364.00
Total Disbursements	+ 94.70
Total Fees Plus Disbursements	\$83,458.70
Minus 20% Holdback of Fees	<u>n/a</u>
Amount Sought at this Time	\$83,458.70

	<u>FEES</u>	<u>EXPENSES</u>
Total Previous Fee Requested:	<u>\$219,957.50</u>	<u>\$7,475.93</u>
Total Fees Allowed to Date:	<u>\$219,957.50</u>	<u>\$7,475.93</u>
Total Retainer (If Applicable):	<u>\$67,690.00</u>	<u>N/A</u>
Total Holdback (If Applicable):	<u>\$5,000.00</u>	<u>N/A</u>
Total Received by Applicant:	<u>\$209,957.50</u>	<u>\$7,475.93</u>
	<u>(Plus Retainer)</u>	<u></u>

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED (Or Years of Professional Service)	HOURS	RATE	FEE
Joseph J. DiPasquale, Partner	1994	29.7	\$910.00	\$27,027.00
Mark E. Hall, Partner	1999	0.2	\$725.00	\$145.00
Michael R. Herz, Partner	2008	83.2	\$570.00	\$47,424.00
Joseph A. Caneco, Associate	2016	0.2	\$480.00	\$96.00
Robin I. Solomon, Paralegal	n/a - 38 years	3.6	\$435.00	\$1,566.00
Marcia L. Steen, Paralegal	n/a – 33 years	16.4	\$400.00	\$6,560.00
Cathi Brown, Staff	n/a	2.6	\$210.00	\$546.00
TOTALS		135.9		\$83,364.00

The blended hourly rate of for professional services during the Fee Period is \$613.42.

SECTION II
SUMMARY OF SERVICES

Task	Description	Hours	Total
A	ASSET ANALYSIS & RECOVERY	1.4	\$780.00
AA	ASSUMPTION/REJECTION OF LEASES AND CONTRACTS	1.4	\$1,172.00
B	ASSET DISPOSITION	1.5	\$974.00
C	BUSINESS OPERATIONS	10	\$6,244.00
CA	COURT APPEARANCE	1.6	\$912.00
D	CASE ADMINISTRATION	0.6	\$495.00
E	CLAIMS ADMINISTRATION AND OBJECTIONS	10.5	\$6,644.00
G	FEE/EMPLOYMENT APPLICATIONS/OBJECTIONS	20.4	\$10,013.00
GG	REPORTING	1.2	\$710.00
J	LITIGATION (OTHER THAN AVOIDANCE ACTION LITIGATION)	3.8	\$2,438.00
K	AVOIDANCE ACTION LITIGATION	2.9	\$1,653.00
M	PLAN AND DISCLOSURE STATEMENT	72.1	\$46,403.00
N	RELIEF FROM STAY PROCEEDINGS	8.5	\$4,926.00
	SERVICE TOTALS	135.9	\$83,364.00

**SECTION III
SUMMARY OF DISBURSEMENTS**

Description	Amount
DEPOSITION/TRANSCRIPT	\$44.70
TELEPHONIC COURT HEARING	\$50.00
DISBURSEMENTS TOTAL	\$94.70

**SECTION IV
CASE HISTORY**

- (1) Date case filed: August 3, 2022 (the “Petition Date”)
- (2) Chapter under which case commenced: Chapter 11 – Subchapter V
- (3) Date of Retention: October 12, 2022 *nunc pro tunc* to the Petition Date [Docket No. 137]¹

If limit on number of hours or other limitations to retention, set forth: n/a

- (4) Summarize in brief the benefits to the estate and attach supplements as needed:²

During the Second Interim Period, Fox Rothschild assisted the Debtor in negotiating, preparing and filing its Subchapter V Plan of Reorganization (the “Plan”). Fox Rothschild assisted the Debtor in achieving its goals and continuing its business, while also meeting all required dates and deadlines that accompany this chapter 11 process. These services as more fully set forth on **Exhibit B** and in the attached application include, but are not limited to the following:

- Negotiated, prepared, and filed the Plan.
- Reviewed and filed the Debtor’s monthly operating reports.
- Prepared for and attended a status conference.
- Responded to various requests for documents and discovery.

¹ The Retention Order is submitted hereto as **Exhibit A**.

² The Invoice submitted herewith as **Exhibit B** to the Application includes detailed time entries summarizing the professional services rendered by Fox Rothschild LLP as counsel to the Debtor.

- Communicated with multiple parties in interest related to insurance issues and the Debtor's projects.
- Reviewed and analyzed filed Proofs of Claims to determine accuracy, validity, and potential impact on a chapter 11 plan.
- Working with KCP Advisory Group, LLC regarding the Debtor's business operations and other issues related to the Debtor's case.
- Addressed all other matters related to the Debtor and its status as debtor-in-possession.

(5) Anticipated Distribution to Creditors:

Administration Expenses:	Paid in full.
Secured Creditors:	Impaired as per plan.
Priority Creditors:	Impaired as per plan.
General Unsecured Creditors:	Impaired as per plan.

(6) Final Disposition of Case and Percentage of Dividend Paid to Creditors (if applicable):
Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the above is true.

Date: February 17, 2023

/s/ Joseph J. DiPasquale
JOSEPH J. DIPASQUALE

EXHIBIT A



Order Filed on October 12, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FOX ROTHSCHILD LLP
49 Market St.
Morristown, NJ 07960
Joseph J. DiPasquale, Esq.
Michael R. Herz, Esq.
Joseph A. Caneco, Esq.
jdipasquale@foxrothschild.com
mherz@foxrothschild.com
jcaneco@foxrothschild.com
Telephone: (973) 992-4800
Facsimile: (973) 992-9125
Proposed Counsel to the Debtor
And Debtor in Possession

In re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

Recommended Local Form:

☐ Followed

☒ Modified

**ORDER APPROVING RETENTION OF FOX ROTHSCHILD LLP
AS COUNSEL TO THE DEBTOR EFFECTIVE AUGUST 3, 2022**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

DATED: October 12, 2022

A handwritten signature in black ink, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

(Page 2)

Debtor: ASSUNCAO BROS., INC.

Case No: 22-16159-CMG

Caption of Order: ORDER APPROVING RETENTION OF FOX ROTHSCHILD LLP AS COUNSEL TO THE DEBTOR

Upon the applicant's request for authorization to retain Fox Rothschild LLP as counsel to Assuncao Bros., Inc. (the "Debtor") effective as of the Petition Date, it is hereby **ORDERED**.

1. The Debtor is authorized to retain Fox Rothschild LLP as its counsel.

The professional's address is: Fox Rothschild LLP ("Fox"), 49 Market Street, Morristown, NJ 07960.

2. Compensation will be paid in such amounts as may be allowed by the Court on proper application(s).

3. If the professional requested a waiver as noted below, it is ☐ Granted ☐ Denied.

☐ Waiver, under D.N.J. LBR 2014-2(b), of the requirements of D.N.J. LBR 2016-1.

☐ Waiver, under D.N.J. LBR 2014-3, of the requirements of D.N.J. LBR 2016-1 in a chapter 13 case. Payment to the professional may only be made after satisfactory completion of services.

4. The effective date of retention is August 3, 2022.